

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

MICHAEL OLIVER,

Plaintiff,

v.

**MAJOR LYERLA and
SERGEANT SCOTT,**

Defendants.

No. 17-cv-206-DRH-DGW

MEMORANDUM and ORDER

HERNDON, District Judge:

Plaintiff Michael Oliver brought this *pro se* action for deprivations of his constitutional rights pursuant to 42 U.S.C. § 1983. The complaint consisted of a list of claims against officials at Menard for violations of Plaintiff's constitutional rights in 2015. On June 29, 2017, the Court conducted its preliminary review of the complaint pursuant to 28 U.S.C. § 1915A, and the matter was referred to Magistrate Judge Donald G. Wilkerson (Doc. 7). Plaintiff was permitted to proceed on one discreet claim: that Defendants Lyerla and Scott retaliated against him for filing grievances by transferring him to a less desirable part of the Menard Correctional Center.

Thereafter, Oliver filed a motion for preliminary injunction and temporary restraining order (Doc. 10). Specifically, Oliver alleges that the prison officials at Menard only allow him to visit the prison law library every three weeks, as opposed

to every two weeks. He also states that he also is unable to acquire legal materials to read in his cell and has been denied certain legal material, including the Federal Rules of Civil Procedure (Doc. 10).

Pursuant to 28 U.S.C. § 636(b)(1)(B), Magistrate Wilkerson submitted a Report and Recommendation ("the Report") on July 25, 2017 (Doc. 15). The Report recommends that the Court deny Oliver's motion for preliminary injunction and temporary restraining order in its entirety. The Report was sent to the parties with a notice informing them of their right to appeal by way of filing "objections" within 14 days of service of the Report. To date, none of the parties has filed objections. The period in which to file objections has expired. Therefore, pursuant to 28 U.S.C. § 636(b), this Court need not conduct *de novo* review. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1985).

Accordingly, the Court **ADOPTS** the Report (Doc. 15). The Court **DENIES** Duncan's motion for preliminary injunction and temporary restraining order (Doc. 10) for the reasons given in the Report and Recommendation.

IT IS SO ORDERED.

Signed this 15th day of August, 2017.


Judge Herndon
2017.08.15
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United States District Judge